



March 2, 2016

The Honorable Jill James Hoffman
City of Sausalito
420 Litho St.
Sausalito, CA 94965

Re: Response to City Council Findings Regarding the Sausalito Ferry Terminal Project

Dear Mayor Hoffman:

In follow up to the productive stakeholder meetings that were held between June and November of 2015, and in response to the Council's action at its January 20, 2016 meeting, the Golden Gate Bridge, Highway and Transportation District (District) is providing: (1) an extensive presentation showing the evolution of the design for the District's Sausalito Ferry Terminal Project (Project) and (2) detailed written responses to the seven points stated in the Sausalito City Council's May 5, 2015 resolution denying approval of the Project's design, indicating how the District has modified the Project in response to the public input received during the prior public process and more recent stakeholder meetings. The District would like to emphasize that the Project is intended to replace a deteriorating Sausalito ferry terminal with a new one that will better serve the needs of its passengers, including those with disabilities. The District understands the very sincere concerns of the Sausalito community regarding this Project and hopes that we have, through this process, come up with a design that will be acceptable to the community and will allow the City Council to give its approval to the submitted design. We look forward to discussing these issues with the City and its residents in a productive public process.

The remainder of this letter contains the District's responses to the seven points raised in the City's May 5, 2015 action declining to give approval to the Project, as restated in the Council's January 20, 2016 action.

1. The planning for waterside and landside improvements should be in tandem.

The terms of the Lease between the City and the District clearly indicate that the City is in control of landside improvements. The City landside improvements have yet to be fully scoped or designed, and they are years away from implementation. Holding up the Project for several years until the landside Project is ready would result in loss of federal grant funds, which have a limited period of availability. City residents will have a full opportunity to participate in the design and implementation of the landside improvements through a process run by the City. Additionally, the District has offered to pass through funds from a separate federal grant to financially assist the City with its landside improvements.

The landside and waterside Projects are separate and each has independent utility. Landside improvements do not need to be in place for the new replacement terminal to operate efficiently. The changes to the Sausalito ferry terminal are part of an overall District effort to replace aging facilities at all three of its terminals and make its ferry operation more accessible.

2. The overall size of the Project is too large and should be reduced.

The Project has been downsized in many significant ways:

- Width of gangway (16 feet, down from 21 feet)
- Height of gangway (6.67 feet, down from 12 feet)
- Width of pier (21 feet, down from 25 feet and aligns with landside pier)
- Length of float (145.5 feet, down from 150 feet)

In addition, the security gate from the access pier to the gangway has been revised to limit the visual impact by using simpler framing and incorporating glass panels. One exception is the size of the float, which is mandated by ADA requirements, particularly those related to providing slopes that are readily accessible. Please see attached report from Moffat & Nichol, the District's marine engineer, regarding the accessible aspects of the float design. The District cannot and will not build a facility that is not readily accessible by individuals with disabilities.

The District's new design proposal reduces the height of gangway, even though this will trigger additional maintenance costs due to the altered location and profile of the girders, which makes them more susceptible to rust and debris accumulation. Through this proposal, the District has offered a solution that greatly reduces the visual impacts and interference with views from Yacht Club and from the Historic District.

3. The Project is not compatible with the historic district.

The District has addressed an important aspect of the community's concerns—visual impacts as seen from the historic district.

A major issue of public concern has been with regard to the views of the Project as it is observed from various locations, many of which are within the City's Historic Overlay District. This has led to criticisms that the Project is not compatible with the historic district. However, a key aspect of this issue has been the size of the proposed facility, which some felt was too large in scale in relation to the adjacent historic district. In response to these concerns, the District has reduced many dimensions of the facility, in particular the height of the gangway, which was the primary visual element triggering concern. The widths of the pier and gangway, which have both been reduced, are not readily discernible from many viewpoints. The size of the float and the length of the gangway are mandated by ADA requirements in order to provide adequate slopes.

New renderings show that the visual profile of the new terminal has been reduced considerably and is now only slightly larger than the existing terminal. These renderings, based upon a 3-D graphics simulator, show the revised design within the greater context of the City and Bay. As shown by these renderings, the Project is much less obtrusive and is an operational and visual improvement over the existing facility.

Is the new terminal “historic enough”?

Despite criticisms that the new terminal is not "compatible" with the historic district, there have been no suggestions regarding how to make the new terminal look more “historic.” Indeed, the historic ferry slip removed in the 1990’s featured walls of unattractive redwood pilings. The District’s current ferry terminal was installed by demolishing the remnants of that old ferry slip—rotting gallows and old redwood pilings that significantly blocked views from the Yacht Club and adjacent areas. Incidentally, there is no Project impact on any elements of the former ferry terminal, as any remaining underwater foundations are not affected by the Project.

It is important to keep in mind a significant historic theme—that the operation of ferry service has been an element of the Sausalito waterfront for well over a century. The loss of ferry service would not only inconvenience local commuters, but also destroy this important historic function of the area.

The Project adequately considered the historic designations and context

As part of the environmental review of the Project, the District performed a Cultural Resources Assessment to identify historic resources that might be impacted by the Project. The Historic Resources review properly designated the “Area of Potential Effect” or “APE” of the Project and, in conformance with applicable standards, properly evaluated the historic impacts within both the “direct APE” and the “indirect APE.”

Some of the information in the Historic Resources report was not accurate, particularly its description of historic properties that are within 300 feet of the Project. However, while the report did not list all of the historic structures within that radius, that listing was merely for illustrative purposes. There is no standard requiring a comprehensive listing of historic resources that are outside of the APE or within 300 feet of the Project.

The environmental studies did consider the historic context of the Project.

In the course of conducting the environmental review and design of the Project, the District reviewed the following City documents: 1) Historic Design Guidelines, September 2011; 2) Downtown Historic District Signage Guidelines, November 1998; 3) Local Zoning Ordinance, Chapter 10.46 – Historic Overlay District And Local Register, July 15, 2003. While the discussion should have been more accurate in its description of the general vicinity of the Project, any inaccuracies in listing facilities had no effect upon the analysis of the historic impacts of the Project, because none of the omitted properties are within the APE for the Project nor are they significantly impacted by the Project.

There are no impacts to historic structures from the Project

This Project is not a request to modify an existing historic structure, and should not be treated like one. The existing terminal was constructed in the 1990's and is not historic. No historic structures are directly affected by the Project—there is no physical demolition, destruction, relocation, or alteration of any historic structures. As a result, no "substantial adverse change" would occur to the significance of any historic resources. The significance of historical resources is materially impaired when the Project "[d]emolishes or materially alters in an adverse manner those *physical characteristics* of an historical resource that [account for or] convey its historical significance." (CEQA Guidelines, § 15064.5 subd. (b)(2)(A), italics added.) The replacement of the ferry terminal, despite the fact that a portion of its gangway is within the Historic Overlay District, will not result in the "alteration of the immediate surroundings" of historic resources, such that the significance of those historic resources would be impaired. The historic structures within the district are some distance from the terminal and are not physically affected.

4. The proposed belvederes add unnecessarily to the size of the Project

The District is not wedded to the inclusion of the belvederes, which were added at the suggestion of BCDC in furtherance of their policy of increasing public access to the waterfront. The District is willing to partner with the City in asking BCDC to delete them.

5. The proposed belvederes negatively impact the Sausalito Yacht Club and the Inn Above Tides.

It is understood that the addition of the belvederes, while perhaps increasing the access for some to the waterfront area by providing a bench area over the water, has a negative impact upon the privacy of patrons of the two businesses. Again, the District is willing to join in asking BCDC to delete the belvedere requirement. In addition, the reduction of the height of the gangway would significantly reduce the impacts on views from these locations.

6. Improvements are outside of the boundaries of the leased area.

While many of the elements of the Project will be developed off-site, some need to be built in the area of the current terminal, which necessitates the use of a temporary facility. There are significant temporary improvements located outside of the lease area, in the form of a temporary ferry terminal to allow service to be maintained during construction. The alternative would be to suspend service for ten months while the new terminal is installed, which would represent a significant hardship to Sausalito residents who count on ferry service to get to and from work.

The permanent Project involves the location of a single piling and utility cabinets outside of the lease area. A permit will be sought from the City for these facilities.

7. The City cannot yet determine whether the Project has been adequately analyzed pursuant to CEQA's requirements, as set forth in Section 3.

This issue necessarily raises legal questions, one of which is whether the District complied with the terms of the California Environmental Quality Act when it prepared and circulated the Mitigated Negative Declaration in 2012. The mere passage of time answers that question in the affirmative—CEQA necessarily provides a very short window to take issue with the scope and quality of the environmental review of a Project.

Once a CEQA document has been approved without a successful legal challenge, to avoid endless rounds of reviews, CEQA discourages the re-opening of issues that could have been evaluated in the original document and process. As was noted in the City's Staff Report for the May 5, 2015 meeting, CEQA Guideline 15162 establishes the standard reconsidering the environmental impacts of a Project that has already undergone CEQA review. For a Project, like this one, where the initial review found no significant impacts, a new CEQA review can generally only be triggered if there are substantial changes, either in the Project or in the circumstances under which the Project is being undertaken. These changes must be substantial enough to require major revisions to the prior environmental document due to the involvement of new significant environmental effects.

Alternatively, for a Project, like this one, where no significant impacts were found in the initial approval, a new CEQA review could be required if new information of substantial importance, which was not known and could not have been known at the time the prior report was prepared, shows that the Project will have one or more significant effects not discussed in the original study.

The City raised the following specific issues regarding environmental issues in Section 3 of the 5/5/15 Resolution:

- Location within Historic Overlay District not analyzed.

Response: This is an issue that easily could have been raised during the initial review period and was not. Additionally, the fact that a small portion the Project is within the Historic District does not result in any adverse impact to any historic structures. The mere presence of the Project in a location where it can be seen from historic properties would not have been sufficient to trigger a higher level of environmental review.

- Project changes, including the addition of belvederes, were not analyzed in MND [Mitigated Negative Declaration].

Response: There are no significant impacts from these minor additions, which were mandated by a regulatory agency. Nevertheless, the District is hopeful the belvederes can be eliminated nevertheless.

- Changes in circumstances in which the Project occurs (including significant increases in passenger and bicycle counts) [that result in a new environmental impact].

Response: Changes in ferry ridership have occurred since the approval of the Project. However, these increases are not impacts of the Project, having occurred prior to its implementation. In addition, there is no indication that these recent changes in ferry ridership would cause this Project to have a significant impact on the environmental. In fact, ridership increases were evaluated in the document. Therefore, implementation of the Project, even in the context of increased ridership, will not result in new significant environmental impacts that would require a revision to the environmental document.

- MND states there will be no increase in capacity, new info says that there will be.

Response: The Project does not expand the capacity of the District's vessels and there are no plans to increase the number of ferry runs. The Project was not intended to increase ridership, but merely to replace an aging facility with one that met applicable accessibility requirements. The changes in the dimensions of the facility, which were evaluated in the MND, will not create significant environmental impacts.

The District trusts that the above responses address the City's concerns regarding the Project. We appreciate the involvement of the City leadership and your dedicated staff in this process. We look forward to discussing this important Project with you.

Respectfully submitted,



Denis J. Mulligan
General Manager

cc: Adam Politzer, City Manager
Mary Wagner, City Attorney
Danny Castro, Community Development Director